

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN C. WEITZEL,

Defendant.

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8:16CR5

ORDER

This matter is before the court on the motion to continue by defendant Allen C. Weitzel (Weitzel) (Filing No. 25). Weitzel seeks a continuance of the trial of this matter was scheduled for May 23, 2016. Weitzel's counsel represents that Weitzel will file an affidavit whereby Weitzel consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Weitzel's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Weitzel' motion to continue trial (Filing No. 25) is granted.
2. Trial of this matter is re-scheduled for **June 27, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 28, 2016, and June 27, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 28th day of April, 2016.

BY THE COURT:
s/ Thomas D. Thalken

United States Magistrate Judge